

### REMARKS

This paper responds to the Office Action mailed on February 9, 2006.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-49 are now pending in this application. Applicant respectfully requests reconsideration of the above-identified application in view of the remarks that follow.

#### Double Patenting Rejection

Claims 1 and 3-8 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 2-7 of co-pending Application No. 09/393,463 in view of "Feedback Cancellation in Hearing Aids: Results from a Computer Simulation", by Kates. Applicant traverse these grounds for rejection of these claims.

Claims 1, 2 and 9-16 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 36-39 and 46-50 of co-pending Application No. 09/393,463 in view of "Feedback Cancellation in Hearing Aids: Results from a Computer Simulation", by Kates. Applicant traverse these grounds for rejection of these claims.

Claims 17-49 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 8-35 and 40-45 of co-pending Application No. 09/393,463. Applicant traverse these grounds for rejection of these claims.

However, to expedite prosecution of the instant application, a Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to obviate these rejections.

The submission of the Terminal Disclaimer should not be taken as an admission of the assertions contained in the Office Action. However, in view of the submitted Terminal Disclaimer, Applicant need not address these specific assertions.

Applicant respectfully requests withdrawal of these rejections of claims 1-49, and reconsideration and allowance of these claims.

#### Allowable Subject Matter

Claims 1-49 were indicated to be allowable if Applicant overcomes the judicially created doctrine of obviousness-type double patenting rejection(s) set forth in the Office Action. Applicant submits that submission of the Terminal Disclaimer herein overcomes the judicially

created doctrine of obviousness-type double patenting rejection(s) set forth in the Office Action.

Applicant respectfully requests reconsideration and allowance of claims 1-49.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2157 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date

9 May 2004

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of April, 2004.

KATE GAWRON

Name

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Signature